



June 10, 2024

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
Department of Homeland Security
Washington, DC 20528

RE: U.S. AI Innovation and Job Creation through International Entrepreneur Parole (IEP)

Dear Secretary Mayorkas:

We write today to express our support and offer our continued assistance for your ongoing efforts to leverage the International Entrepreneur Parole (IEP) program to attract and retain immigrant entrepreneurs, including those building new companies in critical and emerging industries like Artificial Intelligence (AI).

One of the greatest challenges - and opportunities - facing our nation today is marshalling the vast talent resources needed to maintain a global leadership edge in AI. International entrepreneurs' and students' strong motivation to launch their startup businesses in the United States is a key untapped resource to create new opportunities for Americans in this frontier technology area. Immigrants have founded or cofounded nearly two-thirds of the top AI companies in the United States, and 42% of the top U.S.-based AI companies had a founder who came to America as an international student.¹

We last wrote to you in February 2022 about the importance of the IEP program. IEP is currently one of our best options to bring innovative entrepreneurs to our country and allow those who are already here to stay. U.S. immigration policy that pushes away entrepreneurs is one reason why the U.S. share of global venture capital has fallen more than 30 percentage points, from 84% in 2004 to 47% in 2022, in the last 20 years.² If it were functioning at its full potential, IEP could fill the gap in pathways for entrepreneurs and has the potential to create a

¹ Stuart Anderson, "AI and Immigrants," *National Foundation for American Policy*, June, 2023, <https://nfap.com/research/new-nfap-policy-brief-ai-and-immigrants/>

² "NVCA Yearbook," National Venture Capital Association, March, 2023, <https://nvca.org/nvca-yearbook/>

million jobs over ten years.³

We were pleased to see President Biden’s Artificial Intelligence Executive Order recognize the contributions of immigrants to our nation’s innovation ecosystem and call on the Secretary of Homeland Security to improve immigration pathways for international AI talent, specifically:

“(d) Within 180 days of the date of this order, the Secretary of Homeland Security shall:

(i) review and initiate any policy changes the Secretary determines necessary and appropriate to clarify and modernize immigration pathways for experts in AI and other critical and emerging technologies, including O-1A and EB-1 noncitizens of extraordinary ability; EB-2 advanced-degree holders and noncitizens of exceptional ability; and startup founders in AI and other critical and emerging technologies using the International Entrepreneur Rule;”⁴

We commend the Biden Administration for its commitment to reviving and improving IEP,⁵ including the publication of FAQs on the USCIS website and the publication of additional guidance in the USCIS Policy Manual. These announcements strongly signal that the United States welcomes talented minds from around the globe and strives to lead the world in technological and scientific achievement.

Unfortunately, the unpredictably lengthy processing times for IEP applications continue to make it difficult for prospective applicants to access the program. It is our understanding that very few entrepreneurs have applied, and even fewer have been approved, despite DHS initially estimating that as many as 2,900 entrepreneurs would qualify annually.⁶

As we have previously discussed with DHS officials, it is vital that the IEP application process be as efficient and smooth as possible for the program to achieve its full potential. Time is a resource that is in short supply for founders, their investors, and their teams, so decision timelines must be predictable and efficient enough to secure commitments.

To that end, we are asking DHS to take any necessary steps to significantly reduce - and provide more visibility into – the processing times for these applications. We recognize that the low number of applications can make establishing average processing times difficult. However, DHS could provide additional predictability through, at minimum, establishing and publishing goal

³ Caleb Watney, Lindsay Milliken, and Doug Rand, “Long Live The International Entrepreneur Rule,” *Progressive Policy Institute*, February 3, 2021, <https://innovationfrontier.org/long-live-the-international-entrepreneur-rule/>.

⁴ “Executive Order on the Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence,” the White House, October 30, 2023, <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/10/30/executive-order-on-the-safe-secure-and-trustworthy-development-and-use-of-artificial-intelligence/>

⁵ Michelle Hackman, “Foreign Entrepreneurs to Gain More Access to Immigration Program,” *The Wall Street Journal*, May 10, 2021, <https://www.wsj.com/articles/foreign-entrepreneurs-to-gain-more-access-to-immigration-program-11620647100>.

⁶ “International Entrepreneur Rule,” Homeland Security Department, January 2017, <https://www.federalregister.gov/documents/2017/01/17/2017-00481/international-entrepreneur-rule>.

processing times, as it has for other form types and programs,⁷ so that potential applicants have greater clarity when deciding to pursue IEP. DHS could also provide clear guidance about IEP applicants' ability to request expedited processing, and recognize that these applicants - especially those in AI and other critical and emerging sectors - readily meet the criteria for expedited case adjudication given the importance of this work to the United States.

While we understand that this is under the remit of the State Department, our members are seeking additional clarity about the specific procedures (biometrics, boarding foils) for cases that are approved for applicants inside and outside the U.S. Further, the President's executive order calls for streamlining processing and providing timely appointments for individuals working in AI; it would be helpful to understand and potentially publish updated guidance clarifying how IEP applicants can access any expedited processes abroad.

To harness the power of AI and lead the world in this technology, the U.S. needs immigrant entrepreneurs and innovative startup founders. By making these changes and continuing to strengthen pathways for immigrant innovators, the United States will have the opportunity to maintain its reputation as the top destination for entrepreneurship and innovation in the world and continue to be able to create new jobs for our citizens. We are very grateful for DHS' continued engagement with our community, and we look forward to continuing to work with you on maximizing the success of IEP.

Sincerely,

Coalition for International Entrepreneurship

- National Venture Capital Association
- FWD.us
- Engine
- Center for American Entrepreneurship
- Consumer Technology Association
- National Immigration Forum
- Niskanen Center
- Fiona McEntee, Managing Attorney of McEntee Law Group
- Tahmina Watson, Immigration Attorney, Author of *The Startup Visa*; Watson Immigration Law
- Stephen Yale-Loehr, Of Counsel, Miller Mayer

⁷ "Reducing Processing Times," USCIS, <https://egov.uscis.gov/processing-times/reducing-processing-backlogs>.